

**REMARKS**

Claims 1-145 are pending in the present application. Claims 31, 33, 35, 36, 39, 41, 96, 98, 100, and 101 have been cancelled without prejudice or disclaimer to the subject matter contained therein.

**A. OBJECTIONS**

The Examiner has objected to claims 49-60, 109, and 114 as being substantial duplicates of claims 12-22, 87, and 88, respectively. This position by the Examiner is respectively traversed.

As respectfully submitted, amended claims 12-22, 87, and 88 generally recite that the thickness of the spacer layer prevents the wafer cap from deflecting in such a manner to damage the MEMS structures. On the other hand, amended claims 50-60, and 109 generally recite that a spacer layer has a thickness to prevent a wafer cap from coming into physical contact with the MEMS wafer. As submitted above, one set of claims is directed to preventing contact, while the other set is directed to preventing damage.

It is noted that a wafer cap can come into contact with the MEMS wafer without necessarily damaging the MEMS structures. Moreover, it is also noted that the wafer cap can deflect in such a manner to cause damage to the MEMS structure without coming into contact therewith, deflecting in such a manner to cause a smaller air gap to facilitate a damaging electrostatic discharge between the wafer cap and the MEMS structure.

Therefore, contrary to the Examiner's allegations, the above noted claims are not duplicates of each other.

Accordingly, the Examiner is respectfully requested to reconsider and withdraw the objections to the above noted claims.

**B. OBVIOUSNESS DOUBLE-PATENTING REJECTIONS**

Various claims have been rejected or provisionally rejected under the doctrine of obviousness double-patenting. However, since the some of the claims that the Examiner has indicated as containing allowable subject matter have not been rejected or provisionally rejected under the doctrine of obviousness double-patenting, the Applicants request that these rejections under the doctrine of obviousness double-patenting be held into abeyance until the Examiner has actually indicated that the application contains allowed claims.

**C. REJECTION UNDER 35 U.S.C. §102(b)**

Claims 1, 3, 5, 6, 9, 11, 12, 16, 17, 20, 22, 31, 33, 35, 36, 39, 41, 50, 52, 54, 55, 58, 60, 81, 83, 85-88, 96, 98, 100, 101, 109, 111, 113, and 114 have been rejected under 35 U.S.C. §102(b) as being anticipated by Roberts et al. (US-A-5,362,681). This rejection is respectfully traversed.

**1. Arguments for the Patentability of Independent Claim 1**

As respectfully submitted above, amended independent claim 1 recites a method for making a protected MEMS structure. Moreover, amended independent claim 1 recites that the claimed method prepares a MEMS wafer having a plurality of MEMS structure sites thereon; mounts, upon the MEMS wafer, a spacer layer having a thickness to prevent electrostatically induced damage to the MEMS wafer and being perforated in areas corresponding to locations of the MEMS structure sites on the MEMS wafer; and mounts, upon the spacer layer, a wafer cap to produce a laminated MEMS wafer.

In formulating the rejection under 35 U.S.C. §102(b), the Examiner alleges that Roberts et al. discloses all the physical elements of the claimed invention. More specifically, the Examiner alleges that Roberts et al. discloses a MEMS wafer, a spacer layer, and a wafer cap. The Examiner alleges that the alleged functional language of the claims is not relevant and cites two decisions from the United States Court of Customs and Patent Appeals, In re Swinehart and

In re Ludtke and Sloan to support this position to ignore the language of the claims. These various positions by the Examiner are respectfully traversed.

Initially, the language of amended independent claim 1, which the Examiner is apparently ignoring, is not merely functional language. More specifically, amended independent claim 1 explicitly states that the spacer layer has a thickness to prevent electrostatically induced damage to the MEMS wafer. In other words, the spacer layer has a physical dimension or structure that is defined by its ability to prevent electrostatically induced damage. This is not an inherent characteristic or property of the device as was the focus of the two decisions cited by the Examiner. Therefore, since the claim language that the Examiner has chosen to ignore is not merely functional, but defines a physical or structural dimension of the spacer layer, it is improper for the Examiner to intentionally refuse to consider all the language and limitations of amended independent claim 1.

Furthermore, with respect to Roberts et al., the teachings of Roberts et al. fail to provide any discussion or suggestions, explicitly or implicitly, with respect to preventing electrostatically induced damage to the MEMS wafer. Moreover, the Examiner has failed to show or demonstrate, other than using a blanket allegation, that the physical structure of the spacer layer taught by Roberts et al., a spacer layer having a thickness of preferably 5 mils (column 6, lines 8-9), is able to prevent electrostatically induced damage to the wafer.

In summary, contrary to the Examiner's allegations, the language of amended independent claim 1 is not merely functional, but actually defines a physical structure or dimension of the spacer layer. Moreover, contrary to the Examiner's allegations, the teachings of Roberts et al. fail to provide any discussion or suggestions, explicitly or implicitly, with respect to preventing electrostatically induced damage to the MEMS wafer. Thus, Roberts et al. fails to anticipate the presently claimed invention as set forth by amended independent claim 1.

**2. Arguments for the Patentability of Independent Claim 50**

As respectfully submitted above, amended independent claim 50 recites a method for making a protected MEMS structure. Moreover, amended independent claim 50 recites that the claimed method prepares a MEMS wafer having a plurality of MEMS structure sites thereon; mounts, upon the MEMS wafer, a spacer layer having a thickness to prevent electrostatically induced damage to the MEMS wafer and to prevent a wafer cap from coming into physical contact with the MEMS wafer and being perforated in areas corresponding to locations of the MEMS structure sites on the MEMS wafer; and mounts, upon the spacer layer, a wafer cap to produce a laminated MEMS wafer.

In formulating the rejection under 35 U.S.C. §102(b), the Examiner alleges that Roberts et al. discloses all the physical elements of the claimed invention. More specifically, the Examiner alleges that Roberts et al. discloses a MEMS wafer, a spacer layer, and a wafer cap. The Examiner alleges that the alleged functional language of the claims is not relevant and cites two decisions from the United States Court of Customs and Patent Appeals, In re Swinehart and In re Ludtke and Sloan to support this position to ignore the language of the claims. These various positions by the Examiner are respectfully traversed.

Initially, the language of amended independent claim 50, which the Examiner is apparently ignoring, is not merely functional language. More specifically, amended independent claim 50 explicitly states that the spacer layer has a thickness to prevent electrostatically induced damage to the MEMS wafer. In other words, the spacer layer has a physical dimension or structure that is defined by its ability to prevent electrostatically induced damage. This is not an inherent characteristic or property of the device as was the focus of the two decisions cited by the Examiner. Therefore, since the claim language that the Examiner has chosen to ignore is not merely functional, but defines a physical or structural dimension of the spacer layer, it is improper for the Examiner to intentionally refuse to consider all the language and limitations of amended independent claim 50.

Furthermore, with respect to Roberts et al., the teachings of Roberts et al. fail to provide any discussion or suggestions, explicitly or implicitly, with respect to preventing electrostatically induced damage to the MEMS wafer. Moreover, the Examiner has failed to show or demonstrate, other than using a blanket allegation, that the physical structure of the spacer layer taught by Roberts et al., a spacer layer having a thickness of preferably 5 mils (column 6, lines 8-9), is able to prevent electrostatically induced damage to the wafer.

In summary, contrary to the Examiner's allegations, the language of amended independent claim 50 is not merely functional, but actually defines a physical structure or dimension of the spacer layer. Moreover, contrary to the Examiner's allegations, the teachings of Roberts et al. fail to provide any discussion or suggestions, explicitly or implicitly, with respect to preventing electrostatically induced damage to the MEMS wafer. Thus, Roberts et al. fails to anticipate the presently claimed invention as set forth by amended independent claim 50.

### **3. Arguments for the Patentability of Independent Claim 81**

As respectfully submitted above, amended independent claim 81 recites a laminated MEMS wafer comprising a MEMS wafer having a plurality of MEMS structure sites located thereon; a spacer layer mounted upon the MEMS wafer, the spacer layer being perforated in areas corresponding to locations of the MEMS structure sites on the MEMS wafer; and a wafer cap mounted upon the spacer layer to produce a laminated MEMS wafer. Amended independent claim 81 further recites that the spacer layer has a thickness to prevent electrostatically induced damage to the MEMS wafer.

In formulating the rejection under 35 U.S.C. §102(b), the Examiner alleges that Roberts et al. discloses all the physical elements of the claimed invention. More specifically, the Examiner alleges that Roberts et al. discloses a MEMS wafer, a spacer layer, and a wafer cap. The Examiner alleges that the alleged functional language of the claims is not relevant and cites two decisions from the United States Court of Customs and Patent Appeals, In re Swinehart and In re Ludtke and Sloan to support this position to ignore the language of the claims. These various positions by the Examiner are respectfully traversed.

Initially, the language of amended independent claim 81, which the Examiner is apparently ignoring, is not merely functional language. More specifically, amended independent claim 81 explicitly states that the spacer layer has a thickness to prevent electrostatically induced damage to the MEMS wafer. In other words, the spacer layer has a physical dimension or structure that is defined by its ability to prevent electrostatically induced damage. This is not an inherent characteristic or property of the device as was the focus of the two decisions cited by the Examiner. Therefore, since the claim language that the Examiner has chosen to ignore is not merely functional, but defines a physical or structural dimension of the spacer layer, it is improper for the Examiner to intentionally refuse to consider all the language and limitations of amended independent claim 81.

Furthermore, with respect to Roberts et al., the teachings of Roberts et al. fail to provide any discussion or suggestions, explicitly or implicitly, with respect to preventing electrostatically induced damage to the MEMS wafer. Moreover, the Examiner has failed to show or demonstrate, other than using a blanket allegation, that the physical structure of the spacer layer taught by Roberts et al., a spacer layer having a thickness of preferably 5 mils (column 6, lines 8-9), is able to prevent electrostatically induced damage to the wafer.

In summary, contrary to the Examiner's allegations, the language of amended independent claim 81 is not merely functional, but actually defines a physical structure or dimension of the spacer layer. Moreover, contrary to the Examiner's allegations, the teachings of Roberts et al. fail to provide any discussion or suggestions, explicitly or implicitly, with respect to preventing electrostatically induced damage to the MEMS wafer. Thus, Roberts et al. fails to anticipate the presently claimed invention as set forth by amended independent claim 81.

#### **4. Arguments for the Patentability of Independent Claim 109**

As respectfully submitted above, amended independent claim 109 recites a laminated MEMS wafer comprising a MEMS wafer having a plurality of MEMS structure sites located thereon; a spacer layer mounted upon the MEMS wafer, the spacer layer being perforated in areas corresponding to locations of the MEMS structure sites on the MEMS wafer; and a wafer

cap mounted upon the spacer layer to produce a laminated MEMS wafer. Amended independent claim 109 further recites that the spacer layer has a thickness to prevent the wafer cap from coming into physical contact with the MEMS wafer and to prevent electrostatically induced damage to the MEMS wafer.

In formulating the rejection under 35 U.S.C. §102(b), the Examiner alleges that Roberts et al. discloses all the physical elements of the claimed invention. More specifically, the Examiner alleges that Roberts et al. discloses a MEMS wafer, a spacer layer, and a wafer cap. The Examiner alleges that the alleged functional language of the claims is not relevant and cites two decisions from the United States Court of Customs and Patent Appeals, In re Swinehart and In re Ludtke and Sloan to support this position to ignore the language of the claims. These various positions by the Examiner are respectfully traversed.

Initially, the language of amended independent claim 109, which the Examiner is apparently ignoring, is not merely functional language. More specifically, amended independent claim 109 explicitly states that the spacer layer has a thickness to prevent electrostatically induced damage to the MEMS wafer. In other words, the spacer layer has a physical dimension or structure that is defined by its ability to prevent electrostatically induced damage. This is not an inherent characteristic or property of the device as was the focus of the two decisions cited by the Examiner. Therefore, since the claim language that the Examiner has chosen to ignore is not merely functional, but defines a physical or structural dimension of the spacer layer, it is improper for the Examiner to intentionally refuse to consider all the language and limitations of amended independent claim 109.

Furthermore, with respect to Roberts et al., the teachings of Roberts et al. fail to provide any discussion or suggestions, explicitly or implicitly, with respect to preventing electrostatically induced damage to the MEMS wafer. Moreover, the Examiner has failed to show or demonstrate, other than using a blanket allegation, that the physical structure of the spacer layer taught by Roberts et al., a spacer layer having a thickness of preferably 5 mils (column 6, lines 8-9), is able to prevent electrostatically induced damage to the wafer.

In summary, contrary to the Examiner's allegations, the language of amended independent claim 109 is not merely functional, but actually defines a physical structure or dimension of the spacer layer. Moreover, contrary to the Examiner's allegations, the teachings of Roberts et al. fail to provide any discussion or suggestions, explicitly or implicitly, with respect to preventing electrostatically induced damage to the MEMS wafer. Thus, Roberts et al. fails to anticipate the presently claimed invention as set forth by amended independent claim 109.

**5. ARGUMENTS WITH RESPECT TO DEPENDENT CLAIMS 3, 5, 6, 9, 11, 12, 16, 17, 20, 22, 52, 54, 55, 58, 60, 83, 85-88, 109, 111, 113, and 114**

With respect to dependent claims 3, 5, 6, 9, 11, 12, 16, 17, 20, 22, 52, 54, 55, 58, 60, 83, 85-88, 109, 111, 113, and 114, the Applicants, for the sake of brevity, will not address the reasons supporting patentability for each of these individual dependent claims, as these claims depend directly or indirectly from the various allowable independent claims for the reasons set forth above. The Applicant reserves the right to address the patentability of each of these dependent claims at a later time, should it be necessary.

Accordingly, in view of the remarks set forth above, the Examiner is respectfully requested to reconsider and withdraw this rejection under 35 U.S.C. §102(b).

**D. REJECTION UNDER 35 U.S.C. §102(e)**

Claims 1, 3, 6, 9, 12, 14, 17, 20, 31, 33, 36, 39, 50, 52, 55, 58, 69, 70, 72-74, 76-78, 80, 81, 83, 86-88, 96, 98, 101, 109, 111, 114, 140, 142, and 144 have been rejected under 35 U.S.C. §102(e) as being anticipated by Glenn (US-A-6,465,329). This rejection is respectfully traversed.



**1. Arguments for the Patentability of Independent Claim 1**

As respectfully submitted above, amended independent claim 1 recites a method for making a protected MEMS structure. Moreover, amended independent claim 1 recites that the claimed method prepares a MEMS wafer having a plurality of MEMS structure sites thereon; mounts, upon the MEMS wafer, a spacer layer having a thickness to prevent electrostatically induced damage to the MEMS wafer and being perforated in areas corresponding to locations of the MEMS structure sites on the MEMS wafer; and mounts, upon the spacer layer, a wafer cap to produce a laminated MEMS wafer.

In formulating the rejection under 35 U.S.C. §102(e), the Examiner alleges that Glenn discloses all the physical elements of the claimed invention. More specifically, the Examiner alleges that Glenn discloses a MEMS wafer, a spacer layer, and a wafer cap. The Examiner alleges that the alleged functional language of the claims is not relevant and cites two decisions from the United States Court of Customs and Patent Appeals, In re Swinehart and In re Ludtke and Sloan to support this position to ignore the language of the claims. These various positions by the Examiner are respectfully traversed.

Initially, the language of amended independent claim 1, which the Examiner is apparently ignoring, is not merely functional language. More specifically, amended independent claim 1 explicitly states that the spacer layer has a thickness to prevent electrostatically induced damage to the MEMS wafer. In other words, the spacer layer has a physical dimension or structure that is defined by its ability to prevent electrostatically induced damage. This is not an inherent characteristic or property of the device as was the focus of the two decisions cited by the Examiner. Therefore, since the claim language that the Examiner has chosen to ignore is not merely functional, but defines a physical or structural dimension of the spacer layer, it is improper for the Examiner to intentionally refuse to consider all the language and limitations of amended independent claim 1.

Furthermore, with respect to Glenn, the teachings of Glenn fail to provide any discussion or suggestions, explicitly or implicitly, with respect to preventing electrostatically induced damage to the MEMS wafer. Moreover, the Examiner has failed to show or demonstrate, other than using a blanket allegation, that the physical structure of the spacer layer taught by Glenn, a spacer layer having a thickness of preferably 1 to 5 mils (column 6, lines 8-13), is able to prevent electrostatically induced damage to the wafer.

In summary, contrary to the Examiner's allegations, the language of amended independent claim 1 is not merely functional, but actually defines a physical structure or dimension of the spacer layer. Moreover, contrary to the Examiner's allegations, the teachings of Glenn fail to provide any discussion or suggestions, explicitly or implicitly, with respect to preventing electrostatically induced damage to the MEMS wafer. Thus, Glenn fails to anticipate the presently claimed invention as set forth by amended independent claim 1.

## **2. Arguments for the Patentability of Independent Claim 50**

As respectfully submitted above, amended independent claim 50 recites a method for making a protected MEMS structure. Moreover, amended independent claim 50 recites that the claimed method prepares a MEMS wafer having a plurality of MEMS structure sites thereon; mounts, upon the MEMS wafer, a spacer layer having a thickness to prevent electrostatically induced damage to the MEMS wafer and to prevent a wafer cap from coming into physical contact with the MEMS wafer and being perforated in areas corresponding to locations of the MEMS structure sites on the MEMS wafer; and mounts, upon the spacer layer, a wafer cap to produce a laminated MEMS wafer.

In formulating the rejection under 35 U.S.C. §102(e), the Examiner alleges that Glenn discloses all the physical elements of the claimed invention. More specifically, the Examiner alleges that Glenn discloses a MEMS wafer, a spacer layer, and a wafer cap. The Examiner alleges that the alleged functional language of the claims is not relevant and cites two decisions from the United States Court of Customs and Patent Appeals, In re Swinehart and In re Ludtke

and Sloan to support this position to ignore the language of the claims. These various positions by the Examiner are respectfully traversed.

Initially, the language of amended independent claim 50, which the Examiner is apparently ignoring, is not merely functional language. More specifically, amended independent claim 50 explicitly states that the spacer layer has a thickness to prevent electrostatically induced damage to the MEMS wafer. In other words, the spacer layer has a physical dimension or structure that is defined by its ability to prevent electrostatically induced damage. This is not an inherent characteristic or property of the device as was the focus of the two decisions cited by the Examiner. Therefore, since the claim language that the Examiner has chosen to ignore is not merely functional, but defines a physical or structural dimension of the spacer layer, it is improper for the Examiner to intentionally refuse to consider all the language and limitations of amended independent claim 50.

Furthermore, with respect to Glenn, the teachings of Glenn fail to provide any discussion or suggestions, explicitly or implicitly, with respect to preventing electrostatically induced damage to the MEMS wafer. Moreover, the Examiner has failed to show or demonstrate, other than using a blanket allegation, that the physical structure of the spacer layer taught by Glenn, a spacer layer having a thickness of preferably 1 to 5 mils (column 6, lines 8-13), is able to prevent electrostatically induced damage to the wafer.

In summary, contrary to the Examiner's allegations, the language of amended independent claim 50 is not merely functional, but actually defines a physical structure or dimension of the spacer layer. Moreover, contrary to the Examiner's allegations, the teachings of Glenn fail to provide any discussion or suggestions, explicitly or implicitly, with respect to preventing electrostatically induced damage to the MEMS wafer. Thus, Glenn fails to anticipate the presently claimed invention as set forth by amended independent claim 50.

**3. Arguments for the Patentability of Independent Claim 81**

As respectfully submitted above, amended independent claim 81 recites a laminated MEMS wafer comprising a MEMS wafer having a plurality of MEMS structure sites located thereon; a spacer layer mounted upon the MEMS wafer, the spacer layer being perforated in areas corresponding to locations of the MEMS structure sites on the MEMS wafer; and a wafer cap mounted upon the spacer layer to produce a laminated MEMS wafer. Amended independent claim 81 further recites that the spacer layer has a thickness to prevent electrostatically induced damage to the MEMS wafer.

In formulating the rejection under 35 U.S.C. §102(e), the Examiner alleges that Glenn discloses all the physical elements of the claimed invention. More specifically, the Examiner alleges that Glenn discloses a MEMS wafer, a spacer layer, and a wafer cap. The Examiner alleges that the alleged functional language of the claims is not relevant and cites two decisions from the United States Court of Customs and Patent Appeals, In re Swinehart and In re Ludtke and Sloan to support this position to ignore the language of the claims. These various positions by the Examiner are respectfully traversed.

Initially, the language of amended independent claim 81, which the Examiner is apparently ignoring, is not merely functional language. More specifically, amended independent claim 81 explicitly states that the spacer layer has a thickness to prevent electrostatically induced damage to the MEMS wafer. In other words, the spacer layer has a physical dimension or structure that is defined by its ability to prevent electrostatically induced damage. This is not an inherent characteristic or property of the device as was the focus of the two decisions cited by the Examiner. Therefore, since the claim language that the Examiner has chosen to ignore is not merely functional, but defines a physical or structural dimension of the spacer layer, it is improper for the Examiner to intentionally refuse to consider all the language and limitations of amended independent claim 81.

Furthermore, with respect to Glenn, the teachings of Glenn fail to provide any discussion or suggestions, explicitly or implicitly, with respect to preventing electrostatically induced damage to the MEMS wafer. Moreover, the Examiner has failed to show or demonstrate, other than using a blanket allegation, that the physical structure of the spacer layer taught by Glenn, a spacer layer having a thickness of preferably 1 to 5 mils (column 6, lines 8-13), is able to prevent electrostatically induced damage to the wafer.

In summary, contrary to the Examiner's allegations, the language of amended independent claim 81 is not merely functional, but actually defines a physical structure or dimension of the spacer layer. Moreover, contrary to the Examiner's allegations, the teachings of Glenn fail to provide any discussion or suggestions, explicitly or implicitly, with respect to preventing electrostatically induced damage to the MEMS wafer. Thus, Glenn fails to anticipate the presently claimed invention as set forth by amended independent claim 81.

#### **4. Arguments for the Patentability of Independent Claim 109**

As respectfully submitted above, amended independent claim 109 recites a laminated MEMS wafer comprising a MEMS wafer having a plurality of MEMS structure sites located thereon; a spacer layer mounted upon the MEMS wafer, the spacer layer being perforated in areas corresponding to locations of the MEMS structure sites on the MEMS wafer; and a wafer cap mounted upon the spacer layer to produce a laminated MEMS wafer. Amended independent claim 109 further recites that the spacer layer has a thickness to prevent the wafer cap from coming into physical contact with the MEMS wafer and to prevent electrostatically induced damage to the MEMS wafer.

In formulating the rejection under 35 U.S.C. §102(e), the Examiner alleges that Glenn discloses all the physical elements of the claimed invention. More specifically, the Examiner alleges that Glenn discloses a MEMS wafer, a spacer layer, and a wafer cap. The Examiner alleges that the alleged functional language of the claims is not relevant and cites two decisions from the United States Court of Customs and Patent Appeals, In re Swinehart and In re Ludtke

and Sloan to support this position to ignore the language of the claims. These various positions by the Examiner are respectfully traversed.

Initially, the language of amended independent claim 109, which the Examiner is apparently ignoring, is not merely functional language. More specifically, amended independent claim 109 explicitly states that the spacer layer has a thickness to prevent electrostatically induced damage to the MEMS wafer. In other words, the spacer layer has a physical dimension or structure that is defined by its ability to prevent electrostatically induced damage. This is not an inherent characteristic or property of the device as was the focus of the two decisions cited by the Examiner. Therefore, since the claim language that the Examiner has chosen to ignore is not merely functional, but defines a physical or structural dimension of the spacer layer, it is improper for the Examiner to intentionally refuse to consider all the language and limitations of amended independent claim 109.

Furthermore, with respect to Glenn, the teachings of Glenn fail to provide any discussion or suggestions, explicitly or implicitly, with respect to preventing electrostatically induced damage to the MEMS wafer. Moreover, the Examiner has failed to show or demonstrate, other than using a blanket allegation, that the physical structure of the spacer layer taught by Glenn, a spacer layer having a thickness of preferably 1 to 5 mils (column 6, lines 8-13), is able to prevent electrostatically induced damage to the wafer.

In summary, contrary to the Examiner's allegations, the language of amended independent claim 109 is not merely functional, but actually defines a physical structure or dimension of the spacer layer. Moreover, contrary to the Examiner's allegations, the teachings of Glenn fail to provide any discussion or suggestions, explicitly or implicitly, with respect to preventing electrostatically induced damage to the MEMS wafer. Thus, Glenn fails to anticipate the presently claimed invention as set forth by amended independent claim 109.

**5. ARGUMENTS WITH RESPECT TO DEPENDENT CLAIMS 3, 6, 9, 12, 14, 17, 20, 52, 55, 58, 69, 70, 72-74, 76-78, 80, 83, 86-88, 111, 114, 140, 142, and 144**

With respect to dependent claims 3, 6, 9, 12, 14, 17, 20, 52, 55, 58, 69, 70, 72-74, 76-78, 80, 83, 86-88, 111, 114, 140, 142, and 144, the Applicants, for the sake of brevity, will not address the reasons supporting patentability for each of these individual dependent claims, as these claims depend directly or indirectly from the various allowable independent claims for the reasons set forth above. The Applicant reserves the right to address the patentability of each of these dependent claims at a later time, should it be necessary.

Accordingly, in view of the remarks set forth above, the Examiner is respectfully requested to reconsider and withdraw this rejection under 35 U.S.C. §102(e).

**E. CONCLUSION**

Accordingly, in view of the amendments and remarks set forth above, the Examiner is respectfully requested to reconsider and withdraw all the present rejections. Also, an early indication of allowability is earnestly solicited.

Respectfully submitted,



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